

Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. *Applicant/Contact name and address:* WILLIAM A. CARPENTER
JOYCE M. CARPENTER
255 DRY CREEK RD
SUPERIOR, MT 59872
2. *Type of action:* APPLICATION FOR BENEFICIAL WATER USE PERMIT
76M-30024565
3. *Water source name:* UNNAMED TRIBUTARY OF DRY FORK OF DRY CREEK
4. *Location affected by project:* SW ¼ SECTION 27 AND NW ¼ SECTION 34
TOWNSHIP 17 NORTH, RANGE 27 WEST
MINERAL COUNTY, MONTANA
5. *Narrative summary of the proposed project, purpose, action to be taken, and benefits:*
APPLICANTS PROPOSE TO INSTALL A COLLECTION BOX AT THE OUTLET OF A POOL ON AN UNNAMED TRIBUTARY OF DRY FORK OF DRY CREEK. A 3500-FOOT LENGTH OF 2" BLACK PLASTIC PIPE WILL BE USED TO CONVEY APPROXIMATELY 32 GPM BY GRAVITY FROM THE DIVERSION TO THE PLACE OF USE. AT THE PLACE OF USE, THE PIPE WILL BE SPLIT BY A 'Y' CONNECTION WHERE TWO 1 ¼ " PIPES WILL BE INSTALLED. ONE PIPE WILL DIRECT WATER INTO A LINED POND. WATER WILL BE STORED IN THE POND FOR YEAR-ROUND FIRE PROTECTION. THE OTHER PIPE WILL BE USED TO SPRINKLER IRRIGATE APPROXIMATELY 4.5 ACRES OF LAWN AND GARDEN AREA AROUND APPLICANTS' RESIDENCE. THIS PROPOSED PROJECT WOULD BE A BENEFIT TO THE APPLICANTS BECAUSE THEY LIVE IN A FORESTED AREA THAT IS OUTSIDE ANY RURAL FIRE DISTRICT BOUNDARY. THE POND WOULD PROVIDE INITIAL ATTACK WATER SOURCE FOR BOTH STRUCTURE AND WILD FIRES. THE PROPOSED IRRIGATION USE WOULD ALLOW APPLICANTS TO KEEP THE AREA SURROUNDING THE RESIDENCE AND OUT BUILDINGS FROM BECOMING TO DRY DURING THE SUMMER FIRE SEASON.

THE DNRC SHALL ISSUE A WATER USE PERMIT IF AN APPLICANT PROVES THE CRITERIA IN 85-2-311, MCA ARE MET.

6. *Agencies consulted during preparation of the Environmental Assessment:
(include agencies with overlapping jurisdiction)*

STATE HISTORICAL PRESERVATION OFFICE - **CULTURAL RESOURCES**
MONTANA NATURAL HERITAGE PROGRAM - **SPECIES OF CONCERN**
MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY WEBSITE -
IMPAIRED STREAM INFORMATION
MONTANA DEPARTMENT OF FISH, WILDLIFE & PARKS WEBSITE -
2005 DEWATERED STREAM LIST

Part II. Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity - *Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

Determination: NO SIGNIFICANT IMPACTS.

THE AFFECTED SOURCE IS DESCRIBED AS AN UNNAMED TRIBUTARY OF DRY FORK OF DRY CREEK. DFWP WEBSITE HAS NO INFORMATION IDENTIFYING THIS SOURCE AS DEWATERED. ALSO THE WEBSITE HAS NO INFORMATION IDENTIFYING DRY FORK AS DEWATERED. DFWP DOES IDENTIFY DRY CREEK AS CHRONICALLY DEWATERED FROM RIVER MILE 0.0 TO RIVER MILE 3.2.

Water quality - *Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

Determination: NO SIGNIFICANT IMPACTS.

DRY FORK OF DRY CREEK IS NOT LISTED BY DEQ AS WATER QUALITY IMPAIRED OR THREATENED.

Groundwater - *Assess if the proposed project impacts ground water quality or supply. If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.*

Determination: NOT APPLICABLE.

DIVERSION WORKS - *Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED DIVERSION IS A COLLECTOR BOX WITH 2" BLACK PLASTIC PIPELINE. THE MEASURED FLOW OF THE UNNAMED TRIBUTARY SOURCE DOES NOT REACH DRY FORK OF DRY CREEK. INSTALLATION OF THE PROPOSED DIVERSION WOULD NOT AFFECT THAT CONDITION.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species - *Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

Determination: NO SIGNIFICANT IMPACTS.

ACCORDING TO INFORMATION PROVIDED BY THE MONTANA NATURAL HERITAGE PROGRAM, THERE ARE THREE SPECIES OF CONCERN IDENTIFIED IN THE VICINITY OF THE PROPOSED PROJECT.

THE AFFECTED AREA IS INCLUDED AS A PART OF THE IDENTIFIED HABITAT FOR THE USFS-THREATENED, THE USFWS-LT AND THE USBLM-SPECIAL STATUS CANADA LYNX.

DRY CREEK, WHICH IS DOWNSTREAM OF THE SOURCE OF WATER FOR THE PROPOSED PROJECT IS IDENTIFIED AS HABITAT FOR THE USFWS-LT AND THE USBLM-SPECIAL STATUS BULL TROUT AND THE USFS-SENSITIVE AND USBLM-SENSITIVE WESTSLOPE CUTTHROAT TROUT.

Wetlands - *Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: NO IMPACTS.

NO WETLANDS ARE IDENTIFIED IN THE PROJECT AREA.

Ponds - *For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED POND IS INTENDED TO STORE WATER FOR YEAR-ROUND FIRE PROTECTION. THE POND IS TO BE LINED WITH A FLEXIBLE LINER. THE CONSTRUCTION WOULD ALLOW FOR WILDLIFE TO USE THE POND AS A WATER SOURCE.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT WOULD NOT CAUSE IMPACTS TO SOILS. THE PROPOSED POND WILL HAVE AN OUTLET TO ALLOW DRAINAGE.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

Determination: NO SIGNIFICANT IMPACTS.

THE AREA OF THE PROPOSED PROJECT IS PRONE TO THE ESTABLISHMENT OF NOXIOUS WEEDS DUE TO SOIL DISTURBANCE. THE PROJECT WOULD MITIGATE WEEDS ESTABLISHMENT BECAUSE OF THE IRRIGATION OF LAWN AND GARDEN ON THE PROPERTY.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

Determination: NO IMPACTS.

THE PROPOSAL IS TO USE WATER VIA A GRAVITY FLOW PIPELINE FOR IRRIGATION AND STORAGE FOR FIRE PROTECTION.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project.*

Determination: NO SIGNIFICANT IMPACTS.

ACCORDING TO SHPO, THERE HAVE BEEN NO PREVIOUSLY RECORDED SITES WITHIN THE AFFECTED AREA. SHPO RECOMMENDS THAT NO CULTURAL RESOURCE INVENTORY BE CONDUCTED DUE TO THE LOW LIKELIHOOD CULTURAL RESOURCES WOULD BE IMPACTED.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

Determination: NO IMPACTS.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.

Determination: NO IMPACTS.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.

Determination: NO SIGNIFICANT IMPACTS.

THE PROPOSED PROJECT WILL NOT IMPAIR ACCESS TO RECREATIONAL OR WILDERNESS ACTIVITIES.

HUMAN HEALTH - Assess whether the proposed project impacts on human health.

Determination: NO IMPACTS.

PRIVATE PROPERTY - Assess whether there are any government regulatory impacts on private property rights.

Yes___ No X If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: NO IMPACTS.

OTHER HUMAN ENVIRONMENTAL ISSUES - For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.

Impacts on:

- | | |
|--|------|
| (a) <u>Cultural uniqueness and diversity?</u> | NONE |
| (b) <u>Local and state tax base and tax revenues?</u> | NONE |
| (c) <u>Existing land uses?</u> | NONE |
| (d) <u>Quantity and distribution of employment?</u> | NONE |
| (e) <u>Distribution and density of population and housing?</u> | NONE |
| (f) <u>Demands for government services?</u> | NONE |
| (g) <u>Industrial and commercial activity?</u> | NONE |
| (h) <u>Utilities?</u> | NONE |

- | | |
|---|------|
| (i) <u>Transportation?</u> | NONE |
| (j) <u>Safety?</u> | NONE |
| (k) <u>Other appropriate social and economic circumstances?</u> | NONE |

2. Secondary and cumulative impacts on the physical environment and human population:

Secondary Impacts NONE IDENTIFIED

Cumulative Impacts NONE IDENTIFIED

3. Describe any mitigation/stipulation measures: THERE ARE NO MITIGATION/STIPULATION MEASURES IDENTIFIED FOR THE PROPOSED ACTION.

4. Description and analysis of reasonable alternatives to the proposed action, including the no action alternative, if an alternative is reasonably available and prudent to consider:
THE NO ACTION ALTERNATIVE IS THE ONLY ALTERNATIVE CONSIDERED FOR THE PROPOSED ACTION. UNDER THE NO ACTION ALTERNATIVE, THE APPLICANT WOULD BE UNABLE TO OBTAIN A WATER RIGHT TO USE WATER FOR IRRIGATION AND FIRE PROTECTION.

PART III. Conclusion

1. Preferred Alternative

2. Comments and Responses

3. Finding:

Based on the significance criteria evaluated in this EA, is an EIS required?

Yes ___ No X

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action: AN EA IS THE APPROPRIATE LEVEL OF ANALYSIS FOR THIS PROPOSED ACTION BECAUSE NO SIGNIFICANT IMPACTS HAVE BEEN IDENTIFIED AS A RESULT OF THE PROPOSED ACTION.

Name of person(s) responsible for preparation of EA:

Name: PATRICK RYAN

Title: WATER RESOURCE SPECIALIST

Date: NOVEMBER 29, 2006